IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.736 OF 2005

Bankim Prabhatchandra Dalal ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.Girish Kulkarni for Applicant.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

FEBRUARY 21, 2005.

P.C.

1. Heard Counsel for the parties.

2. The Applicant is arrested in connection with C.R.No.225 of 2004 registered with V.P. Road Police Station on 23rd December 2004. The offence is essentially in respect of dishonour of cheque and withdrawal of the amount to the extent of Rs.11,00,000/- (Rupees Eleven Lakhs). The Applicant has already paid part of the amount. He has given assurance before this Court through his

Counsel and also signed the affidavit, which is unaffirmed giving undertaking to pay the balance amount, if permitted to pay the same in instalment.

3. In view of the offer made by the Applicant, the Applicant was given liberty to serve the concerned Branch Manager. Pursuant to service of notice, Mr.P.R.Chaurasia, Branch Manager of Bank of Baroda, V.P.Road Branch, is personally present in Court and states that the Bank has no objection if the Applicant abides by the undertaking of returning the entire balance amount with interest, in instalment by demand draft or banker’s cheque to the account of the Bank, which shall not exceed four months. Counsel for the Applicant, on instructions, states that the Applicant has no difficulty in accepting these conditions imposed by the Bank. Accordingly, the Applicant is enlarged on bail on the following conditions :

(a) The Applicant is granted bail in connection with C.R.No.225 of 2004 registered with V.P.Road Police Station on executing personal bond in the sum of Rs.25,000/- (Rupees Twenty-five

Thousand) with two local sureties in the like amount.

(b) The Applicant be initially released on deposit of cash for the like amount, to be substituted by appropriate surety within one week from the date of release of the Applicant.

(c) The Applicant undertakes before this Court, through his Counsel, which undertaking is accepted that the entire balance amount will be paid to the concerned Bank by bank draft or banker’s cheque in four equal monthly instalments commencing from 1st March 2005. In other words, if the Applicant fails to comply with the said condition, the bail shall stand annulled, without further reference to the Court. This condition is acceptable to the Applicant.

(d) The Applicant shall attend the concerned Police Station between 10.00 a.m. and 2.00 p.m. on first Saturday of every English Calender month, till the repayment of entire dues of the Bank.

(e) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(f) The Applicant shall extend full co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the opinion that the Applicant is responsible for the delay of the trial, that fact be recorded in the Roznama, which will be a ground for cancellation of bail.

4. Application disposed of on the above terms.

A.M.KHANWILKAR, J.